United States Senate

WASHINGTON, DC 20510

March 5, 2019

The Honorable Andrew Wheeler Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Ave NW Washington, DC 20004

Dear Administrator Wheeler.

I write to you regarding the Environmental Protection Agency's (EPA) Urban Waters Federal Partnership (UWFP) and the recent nomination to include the Rio Reimagined project as the 20th designee in this unique initiative.

As you may know, the late U.S. Senator John McCain championed this project and engaged with Arizona stakeholders to re-catalyze the Rio Salado river revitalization project for the benefit of economic, social and environmental vitality within the Phoenix metro area as well as the State of Arizona. With facilitation and convening by Arizona State University and the support of local stakeholders, including elected officials, the project scope spans across a 58-mile stretch of the Salt-Gila river corridor through Maricopa County including six cities and two Native American tribal communities.

Further, a dedicated working group for the project currently includes state, county, municipal and tribal leaders as well as support from the Salt River Project, one of the first federal projects under the Reclamation Act, all of whom formally agreed to pursue this vision, dubbed the Rio Reimagined project, at a ceremony in Tempe, Arizona on March 30, 2018. In addition, we continue to garner support from allied stakeholders including the Maricopa Association of Governments, non-profits, non-governmental organizations, and key private sector entities. For this grand civic initiative to be successful, it will require constant coordination between these stakeholders, including the many federal agencies that have a nexus in the river.

The EPA's award-winning Urban Waters Federal Partnership strives to break down barriers between federal agencies to improve urban waterways, which is exactly the aim of Rio Reimagined. Currently, this ambitious initiative works on 19 different watershed pilots across many states that greatly benefit from this partnership. In compliance with the Clean Water Act, UWFP projects successfully address a multitude of challenges including flood control, infrastructure, community engagement and water quality, which are critical to the Rio Reimagined project.

To that end, we request that you and your partner agencies officially include the Rio Reimagined project to the Urban Waters Federal Partnership so that this project can successfully utilize your leadership and your partner's agency's expertise.

Thank you for all the work your agency does, and for the consideration of this request. I look forward to your response.

Sincerely,

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United States Senator

Debbie Lesko Member of Congress

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Paul A. Gosar, D.D.S. Member of Congress

Tom O'Halleran Member of Congress Member of Congress

Ruben Gallego

sten Sinema ed States Senator

Andy Biggs

Member of Congress

Greg Stanton Member of Congress

David Schweikert Member of Congress

Ann Kirkpatrick / Member of Congress

Cc:

Acting Administrator David Bernhardt, U.S. Department of the Interior Secretary Sonny Perdue, U.S. Department of Agriculture Secretary Rick Perry, U.S. Department of Energy Secretary Ben Carson, U.S. Department of Housing and Urban Development Secretary Wilbur Ross, U.S. Department of Commerce Assistant Secretary R.D. James, U.S. Department of the Army (Civil Works)

Enclosures:

Maricopa Association of Governments (MAG) Resolution of Support - March 28, 2018

RESOLUTION OF SUPPORT E THE RIO SALADO PROJECT

A Resolution Expressing the support of the Regional Council of the Maricopa Association of Governments (MAG) for the Rio Salado Project

Whereas, throughout the United States, major metropolitan areas are working cooperatively with local; state and federal agencies to revitalize river corridors throughout their regions to enhance the quality of life, provide for economic development, and honor the historical significance of the rivers; and Whereas, in this region, several of the MAG member agencies have supported local efforts to enhance the importance of the liver corridor through their

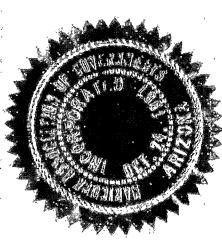
Whereas, the Rio Salado Project will contribute greatly to mitigate flood control issues, address fire prevention along the river, assist with water conservation and help restore wildlife habitat; and Whereas, in the past, the MAG Regional Freeway and Highway Program contributed significantly to the development of the Tempe Town Lake with the construction of the Red Mountain Freeway and is planning a major freeway conjdor in the West Valley with the future Tres Rios Freeway, and

Whereas, MAG has an Active Transportation Plan that encourages bicycle and pedestrian walkways and these projects have contributed greatly to the quality

Whereas, MAG has considerable mapping and economic development tools that could greatly assist this project; and

Whereas, Senator John McCain wishes to make the Rio Salado Project a legacy project and former Representative Ed Pastor has contributed greatly to this.

Whereas, Friday March 30, 2018, marks the official launch of the project; now therefore,



Be it resolved that the Members of the MAG Regional Council support the Rio Salado Project to enhance.

PRESENTED BY THE MAG REGIONAL COUNCIL THIS 28TH DAY OF MARCH 2018.

ATTEST

or Jackie Meck-Buckeye, Chair

Dennis Smith, Executive Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

August 27, 2020

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS

The Honorable Kyrsten Sinema U.S. Senator Washington, D.C. 20510

Dear Senator Sinema:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to various inquiries from Members of Congress regarding ethylene oxide (EtO) emissions and EPA's response to a recent EPA Office of Inspector General (OIG) report on this matter. As EPA pursues its mission to protect public health and the environment, addressing ethylene oxide is a major priority for the Agency. While the EPA recognizes and values the important role of the OIG, in the case of this EtO report their recommendation regarding risk communication and outreach is based upon a flawed understanding of the facts, data, and the Clean Air Act. Attempts by the Agency to address OIG's concerns have been met with only a misunderstanding of the issues by OIG. At this point, the Agency cannot responsibly concur with OIG's demands.

Given the interest shown by Congress in this matter, the Agency is setting the record straight on our efforts to undertake an impactful response to EtO emissions, respond to OIG's report, and to provide meaningful and appropriate risk communication to the American people with regard to EtO. Quite simply, the OIG is recommending that the Agency provide risk communication outreach with regard to EtO emissions to certain communities where there is not the sufficient scientific data to support effective and accurate communication. Accepting the OIG recommendation would put the EPA at odds with its core mission of protecting human health and the environment and would risk undermining the Agency's current efforts to ensure meaningful and appropriate risk communication to the American people. Despite repeated conversations with the OIG, there remains a failure by the OIG to understand EPA's concerns with undertaking any such action in the arbitrary timelines and methods being recommended.

Risk communication is of critical importance to the work EPA does across our many regions, offices, and programs. This is because our mission is to protect public health and the environment, and it is impossible to effectively and efficiently pursue that mission without communicating about risk to the American people. Over the past year EPA has continued to build on our risk communication capabilities, and we will continue to support our state and local partners in their efforts to share information with the public. The Agency is committed to improving our long term ability on risk communication, but regardless of the outcome of the process with the OIG, we have plans to do direct outreach to communities in the coming months once we have better data to target appropriately.

In order to provide meaningful and appropriate risk communication, it is important to understand why the OIG recommendations are based upon a flawed understanding of the facts, data, and the Clean Air Act. The Clean Air Act directs EPA to regulate air toxics, like EtO, by setting limits on the amount that

industrial sources can *emit* to the air, rather than by setting *ambient standards*, which are limits on the amount of a pollutant that is allowed to be present in the outdoor air. After EPA sets emission standards, the Agency is then required to review them periodically, taking into consideration advancements in pollution control technology and evaluating the level of risk that may remain following the adoption of the initial emission standards. A risk level of 1-in-10,000 is one factor EPA uses in its risk reviews of air toxics to determine whether additional controls are necessary. However, this level is *not* a regulatory number or a bright line for determining whether a given level of risk is acceptable. Other health risk measures and information are also important when making a risk determination.

EPA considered this risk information in 2018 in the most recent update to the National Air Toxics Assessment (NATA). (Note, we refer to this version of NATA as the 2014 NATA because it uses emissions data for the year 2014, the most recent available at the time.) NATA is a non-regulatory preliminary screening tool that informs our local, state, and tribal partners of air toxics levels and potential risks in their jurisdictions. NATA only tells us where to look closer—it does not provide definitive, actionable risk information. The 2014 NATA used the EPA's Integrated Risk Information System (IRIS) cancer potency value updated in 2016 to make these estimates on air toxics levels and potential risks. When the results showed that EtO was more prevalent in communities than previously realized, EPA immediately began working with state and local jurisdictions to reduce emissions from EtO facilities through the following actions:

- EPA is conducting the required residual risk and technology review for a source category containing some chemical manufacturing facilities that emit EtO. The final revised emission standards imposed on these facilities will significantly lower the amount of EtO emitted by these facilities.
- EPA is undertaking a rulemaking to revise the emission standards for the commercial sterilizer source category that were first adopted in December 1994. For the approximately 100 commercial sterilizer facilities, work is currently underway on a new technology review. Approximately one-third of these facilities are small businesses, requiring the Agency to follow additional regulatory procedures such as consultation prior to issuing a proposed rule. Additionally, as part of this rulemaking, EPA is taking the unique step of evaluating the regulation of fugitive emissions, which we believe are a significant emission source. In order to do this, the Agency needed to collect information and establish a record that would support regulation. It is our goal to have a proposed regulation for interagency review in the fall.
- EPA is working with states to learn more about emissions from specific facilities, identify opportunities for early reduction, and further support and coordination on outreach to communities. When Congress promulgated the Clean Air Act, it found that "air pollution control at its source is the primary responsibility of States and local governments." States' efforts in this regard have already led to the installation of new pollution controls that will reduce EtO emissions in Colorado, Georgia, Illinois, and Missouri. EPA has supported states in this work, and we have worked closely with both state and local governments to ensure that communities for which we have reliable risk data are informed of that risk.

With these and other steps, and in partnership with state and local governments, we have moved responsibly in using our statutory authority and other tools to address the issues surrounding EtO

emissions. It is a testament that EPA staff and our state and local partners could move so quickly to address EtO in a meaningful way.

The issues raised by the OIG in their March 31, 2020, Management Alert and subsequent report relate to whether outreach has been done in specific communities where we cannot yet reliably characterize the risk posed by EtO. By insisting that EPA must provide outreach in each of the communities based solely off of inaccurate and outdated data from a non-regulatory preliminary screening tool, the OIG has taken the position that appropriate risk communication need not include reliable data. The Agency fundamentally disagrees with that approach, and while we may agree that there is always a level of uncertainty around data, the level of uncertainty here is simply too high to allow for the responsible communication of risk. EPA cannot reliably communicate risk on the basis of raw data that may contain errors. Quality assurance of that data is imperative. The Agency's mission statement, as noted in the OIG report, states that the Agency work to ensure that "all parts of society . . . have access to accurate information sufficient to effectively participate in managing human health and environmental risks." The OIG is asking us to ignore the part of our mission statement that calls upon EPA to use reasonably accurate data in our decision making.

The Agency has explained to the OIG that using the uncertain and preliminary screening data as the basis for public outreach would be irresponsible. Not only is the data incomplete, but the OIG is recommending the Agency use it as the basis to identify the communities requiring outreach. Acting on this basis is concerning since some of the data does not include correct source information and there may not be reliable information regarding receptor sites. Instead of immediately conducting outreach, the Agency maintains it is necessary to take meaningful and appropriate actions based on the important analysis and understanding of the data. By quality checking the data, the Agency will be able to appropriately determine what is missing and fill in data gaps to better understand where outreach is necessary. For example, for many of the areas estimated to have elevated risk by the previous 2014 NATA, EPA was able to gather sufficient additional information to develop a more accurate estimate of risk and then use that information to communicate with surrounding communities. In other areas, gathering this additional information has taken longer, but the Agency has made progress and expects to be able to communicate where appropriate with surrounding communities in the months ahead.

Risk communication should reflect the most *current available* information. This is a point that EPA has continued to emphasize during our discussions with the OIG and we have noted that the previous 2014 NATA relies on emissions data that are now six years old. Emblematic of this issue is the identification by the OIG of both the Sterigenics facility in Santa Teresa, New Mexico and the Air Products Performance Manufacturing (Evonik) facility in Milton, Wisconsin as "high-priority" ethylene oxide-emitting facilities. EPA has repeatedly pointed out to the OIG that current emissions at both facilities are now about *six times lower* than in 2014, well below the 1-in-10,000 risk level. The OIG continues to insist that the Agency go to these communities with inaccurate and outdated data and use that as the basis for public outreach, which is a poor reflection either on the attention the OIG is paying to the actual facts in this matter or on their judgment.

Perhaps most importantly, the OIG has continued to ignore the role of state and local governments, many of which properly insist upon taking the lead when communicating with the public on this issue and want information to be accurate before presenting it to communities. Under the strong federal-state partnerships that have been developed through implementation of the Clean Air Act, states have primary responsibility for air pollution control with federal assistance. Most of the states with the high-risk areas identified by the 2014 NATA have expressed to EPA their desire to lead the EtO outreach efforts. As

requested, EPA is playing a necessary support role by helping with data collection and analysis, providing financial assistance, and participating in state-led public meetings.

EPA has gone to great lengths to address all issues raised by the OIG, but the OIG has instead engaged in an erratic, goal post-moving endeavor that has been unproductive, unpredictable, and frustrating. At different times during the process EPA offered solutions to resolve all outstanding issues that were seemingly accepted only to have additional, unexpected issues raised by OIG.

For example, in attempts to submit and finalize the Agency's May 15 revised corrective action plan, EPA received conflicting input and feedback from OIG staff, resulting in unnecessary delays in finalization of the corrective actions for several months. This pattern continued in subsequent discussions with the Inspector General and EPA senior officials, and in follow up issues raised by OIG staff, causing continued frustration. Significant issues were not raised during a meeting when decisionmakers on both sides were present and ready to work through the issues. Instead, one outstanding issue was raised at the meeting which EPA committed to resolve but the very next day in a phone call OIG staff raised five new issues. In good faith, the Agency provided a new revised corrective action plan to the OIG on August 7, 2020, in which we proposed to reduce the timeframe for our work by about one third, and separately provided responses to the additional issues. On August 20, 2020, the OIG informed us that all this was still not good enough.

EPA's goal has been to work with the OIG to explain the intricacies of this matter and outline why some community outreach solely based upon the 2014 NATA is inappropriate given the uncertainty of the data. We will continue to work with the OIG and continue to provide them with accurate information so they are able to understand the EPA's processes and incorporate that appropriately in their recommendations for the Agency. The Administrator has made meaningful and appropriate risk communication to the American public a top priority for the Agency, and we take that responsibility seriously. We remain concerned with the OIG's desire to present data to communities that has not been verified for accuracy and has been associated with a corrective action process seemingly designed to elide pertinent facts and to keep the matter in controversy.

EPA is continuing its regulatory work while doing everything we can to help address environmental and public health issues surrounding ethylene oxide. As demonstrated above, the actions this Administration has made and will continue to make are expected to result in meaningful reductions of air pollution in the United States, as the EPA continues its mission to protect human health and the environment. If you have further questions, you may contact me, or your staff may contact Garrett Kral in the Office of Congressional and Intergovernmental Relations at kral.garrett@epa.gov or (202) 564-9114.

Sincerely,

Joseph A. Brazauskas, Jr. Associate Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

August 4, 2022

OFFICE OF AIR AND RADIATION

The Honorable Jeanne Shaheen United States Senate Washington, D.C. 20510

Dear Senator Shaheen:

Thank you for your June 14, 2021, letter to U.S. Environmental Protection Agency Administrator Michael Regan regarding your desire for the agency to act on cellulosic fuel petitions, specifically approving RFS credits for renewable electricity (eRINs). Your letter also expressed the importance of the Agency processing pathway petitions involving woody biomass and waste-to-energy feedstocks. Administrator Regan has asked me to respond on his behalf.

In addition to the goals set forth in the American Jobs Plan, President Biden issued Executive Order 14037, *Strengthening American Leadership in Clean Cars and Trucks*, on August 5, 2021. Among other initiatives, the Executive Order outlined President Biden's goal that half of all new light-duty vehicles sold in 2030 be zero-emission vehicles. As the Biden-Harris Administration continues to work to reduce emissions from the transportation sector, increased vehicle electrification and deployment of charging infrastructure are crucial. Your letter suggests one possible mechanism for promoting this could be eRINs under the RFS. Specifically, your letter asks that EPA act on submitted registration requests for the biogas to electricity pathway and that those corresponding volumes be incorporated into future Renewable Volume Obligations in an effort to fulfill the cellulosic fuel targets laid forth in the Energy Independence and Security Act of 2007.

We have received input from a wide variety of stakeholders urging EPA to allow for the generation of RINs from renewable electricity and we are committed to moving forward in a transparent way that follows the law, follows the science, ensures the integrity of the program, and provides certainty. We anticipate taking action in the "Set" Rule later this year establish an eRINs program under the RFS. Doing so would include a full public notice and comment process so that all interested parties would have the opportunity to provide comments and have their perspectives heard. EPA believes that this approach for adding eRINs to the RFS will best serve the goals of supporting rural economies and promoting decarbonization of the transportation sector into the future.

Your letter also expressed the importance of the Agency processing petitions for new fuel pathways involving electricity produced from woody biomass and waste-to-energy feedstocks. We are currently reviewing multiple petitions that request new fuel pathways for renewable electricity produced from various forms of woody biomass or municipal solid waste. As required by the Clean Air Act, EPA must conduct a lifecycle greenhouse gas emissions analysis that includes all direct and significant indirect emissions associated with the production and use of fuels under the RFS. The statute also requires that all feedstocks used must qualify as renewable biomass as defined by the Clean Air Act. Again, we understand the importance of these petitions and we continue to focus on them. As part of that process, we recently requested additional technical information from a number of stakeholders with outstanding petitions and we are committed to furthering that dialogue.

Thank you for your letter. If you have further questions, please contact me or your staff may contact Thomas Boylan in EPA's Office of Congressional and Intergovernmental Relations at boylan.thomas@epa.gov or (202) 564-1075.

Joseph Goffman

Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

August 4, 2022

OFFICE OF AIR AND RADIATION

The Honorable Susan M. Collins United States Senate Washington, D.C. 20510

Dear Senator Collins:

Thank you for your June 14, 2021, letter to U.S. Environmental Protection Agency Administrator Michael Regan regarding your desire for the agency to act on cellulosic fuel petitions, specifically approving RFS credits for renewable electricity (eRINs). Your letter also expressed the importance of the Agency processing pathway petitions involving woody biomass and waste-to-energy feedstocks. Administrator Regan has asked me to respond on his behalf.

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Joseph Goffman

Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

August 4, 2022

OFFICE OF AIR AND RADIATION

The Honorable Angus S. King, Jr. United States Senate Washington, D.C. 20510

Dear Senator King:

Thank you for your June 14, 2021, letter to U.S. Environmental Protection Agency Administrator Michael Regan regarding your desire for the agency to act on cellulosic fuel petitions, specifically approving RFS credits for renewable electricity (eRINs). Your letter also expressed the importance of the Agency processing pathway petitions involving woody biomass and waste-to-energy feedstocks. Administrator Regan has asked me to respond on his behalf.

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Joseph Goffman

Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

August 4, 2022

OFFICE OF AIR AND RADIATION

The Honorable Margaret Wood Hassan United States Senate Washington, D.C. 20510

Dear Senator Hassan:

Thank you for your June 14, 2021, letter to U.S. Environmental Protection Agency Administrator Michael Regan regarding your desire for the agency to act on cellulosic fuel petitions, specifically approving RFS credits for renewable electricity (eRINs). Your letter also expressed the importance of the Agency processing pathway petitions involving woody biomass and waste-to-energy feedstocks. Administrator Regan has asked me to respond on his behalf.

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Joseph Goffman

Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

August 4, 2022

OFFICE OF AIR AND RADIATION

The Honorable Tammy Baldwin United States Senate Washington, D.C. 20510

Dear Senator Baldwin:

Thank you for your June 14, 2021, letter to U.S. Environmental Protection Agency Administrator Michael Regan regarding your desire for the agency to act on cellulosic fuel petitions, specifically approving RFS credits for renewable electricity (eRINs). Your letter also expressed the importance of the Agency processing pathway petitions involving woody biomass and waste-to-energy feedstocks. Administrator Regan has asked me to respond on his behalf.

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Joseph Goffman

Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

August 4, 2022

OFFICE OF AIR AND RADIATION

The Honorable Kyrsten Sinema United States Senate Washington, D.C. 20510

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In addition to the goals set forth in the American Jobs Plan, President Biden issued Executive Order 14037, *Strengthening American Leadership in Clean Cars and Trucks*, on August 5, 2021. Among other initiatives, the Executive Order outlined President Biden's goal that half of all new light-duty vehicles sold in 2030 be zero-emission vehicles. As the Biden-Harris Administration continues to work to reduce emissions from the transportation sector, increased vehicle electrification and deployment of charging infrastructure are crucial. Your letter suggests one possible mechanism for promoting this could be eRINs under the RFS. Specifically, your letter asks that EPA act on submitted registration requests for the biogas to electricity pathway and that those corresponding volumes be incorporated into future Renewable Volume Obligations in an effort to fulfill the cellulosic fuel targets laid forth in the Energy Independence and Security Act of 2007.

We have received input from a wide variety of stakeholders urging EPA to allow for the generation of RINs from renewable electricity and we are committed to moving forward in a transparent way that follows the law, follows the science, ensures the integrity of the program, and provides certainty. We anticipate taking action in the "Set" Rule later this year establish an eRINs program under the RFS. Doing so would include a full public notice and comment process so that all interested parties would have the opportunity to provide comments and have their perspectives heard. EPA believes that this approach for adding eRINs to the RFS will best serve the goals of supporting rural economies and promoting decarbonization of the transportation sector into the future.

Your letter also expressed the importance of the Agency processing petitions for new fuel pathways involving electricity produced from woody biomass and waste-to-energy feedstocks. We are currently reviewing multiple petitions that request new fuel pathways for renewable electricity produced from various forms of woody biomass or municipal solid waste. As required by the Clean Air Act, EPA must conduct a lifecycle greenhouse gas emissions analysis that includes all direct and significant indirect emissions associated with the production and use of fuels under the RFS. The statute also requires that all feedstocks used must qualify as renewable biomass as defined by the Clean Air Act. Again, we understand the importance of these petitions and we continue to focus on them. As part of that process, we recently requested additional technical information from a number of stakeholders with outstanding petitions and we are committed to furthering that dialogue.

Thank you for your letter. If you have further questions, please contact me or your staff may contact Thomas Boylan in EPA's Office of Congressional and Intergovernmental Relations at boylan.thomas@epa.gov or (202) 564-1075.

Joseph Goffman

Principal Deputy Assistant Administrator



December 5, 2021

Mr. Tomas Torres EPA Region 9 Water Division Director 75 Hawthorne Street Mail Code: WTR-1 San Francisco, CA 94105

Dear Director Torres:

We write regarding the City of Douglas, Arizona's proposed West Douglas Water and Wastewater Collection Expansion project and related request for funding from the Project Development Assistance Program (PDAP) for planning and design for water and sewer infrastructure.

An award of this PDAP funding will enable the City of Douglas to subsequently compete for a Border Environment Infrastructure Fund (BEIF) grant to construct this critical water and sewer infrastructure project to the benefit of the City, U.S. Customs and Border Protection, Cochise Community College, and the new commercial port of entry in the City of Douglas.

The new commercial port is vital to the City's growth and will spur economic development on both sides of the border; connecting the port's facilities to the City's sewage and water systems will help ensure its long-term future and assist Customs and Border Protection with its day-to-day operations.

In accordance with all existing rules, regulations, and ethical guidelines, we respectfully request you give the West Douglas Water and Wastewater Collection Expansion project proposal full and fair consideration as you make this important funding decision. Thank you.

Sincerely,

Kyrsten Sinema U.S. Senator

Mark Kelly U.S. Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX 75 Housthown Street

75 Hawthorne Street San Francisco, CA 94105-3901

OFFICE OF THE REGIONAL ADMINISTRATOR

The Honorable Kyrsten Sinema United States Senate Washington, DC 20510

Dear Senator Sinema:

Thank you for your letter of December 5, 2021, requesting for the U.S. Environmental Protection Agency (EPA) to consider funding the West Douglas Water and Wastewater Collection Expansion project proposed by the City of Douglas (City).

EPA, the North American Development Bank (NADB), and the City recently celebrated the completion of the Bay Acres Wastewater Collection System and Wastewater Treatment Plant Expansion project, which leveraged a \$7.5 million grant from EPA's Border Water Infrastructure Program (BWIP) with over \$12M in funding from the U.S. Department of Agriculture and the Water Infrastructure Finance Authority of Arizona (WIFA). In addition to expanding the City's overall capacity, the project helped eliminate 96,000 gallons per day of inadequately treated wastewater and provides service to 342 homes previously relying on septic tanks and cesspools.

Pertaining to the proposed West Douglas Water and Wastewater Collection Expansion planning and design project, EPA encourages the City to submit the project through the BWIP competitive process, administered by NADB. The NADB has reached out to the City to discuss possible funding opportunities that include EPA's BWIP and WIFA. EPA looks forward to working with the City to address critical water and wastewater infrastructure needs.

If you have any questions or if I can be of further assistance, please contact me at (415) 947-8702 or via email at guzman.martha@epa.gov, or refer your staff to our Congressional Liaison, Sonam Gill, at (415) 972-3380 or via email at gill.sonam@epa.gov.

Sincerely,

Martha Guzman Regional Administrator

cc: Renata Manning-Gbogbo, Grant Financing Department Director, North American Development Bank

United States Senate WASHINGTON, DC 20510-0309

January 10, 2022

The Honorable Michael Regan Administrator U.S. Environmental Protection Administration Washington, D.C. 20460 The Honorable Michael Connor Assistant Secretary of the Army for Civil Works U.S. Army Washington, D.C. 20310

Dear Administrator Regan and Assistant Secretary Connor,

We write regarding the request made by the Environmental Protection Agency and the U.S. Department of the Army for stakeholders to submit nomination letters to the agencies to potentially be selected for one of ten geographically focused roundtables to discuss potential changes to the definition of "waters of the United States" under the Clean Water Act. We ask that you give full and fair consideration to a proposal submitted by the Arizona Department of Environmental Quality (ADEQ), which will provide a diverse group of Arizona stakeholders with the opportunity to have a voice in this important discussion.

Arizona is a young, and fast-growing state which is located in an arid climate where rainfall is sparse and many rivers and streams in the state experience only intermittent, or ephemeral, flows. As Arizona faces historic drought conditions, our state has taken stringent measures to protect critical water supplies without sacrificing historic growth. These factors mean Arizona will be uniquely impacted by regulatory changes to redefine "waters of the United States" or WOTUS.

The most recent proposed federal rule revising the WOTUS definition mentions Arizona 14 times, more than any other state. The question of whether ephemeral streams, dry washes, and irrigation ditches are considered waters of the U.S. has significant implications for a variety of Arizona stakeholders, including local governments, farmers, landowners, and conservation groups. And over the past six years, Arizonans have experienced firsthand the regulatory whiplash that comes from changing definitions of WOTUS. For example, the Navigable Waters Protection Rule, which was finalized in 2020, redefined WOTUS in a way which changed the way more 90 percent of Arizona waterways are regulated.

Arizonans have a vested interest in ensuring that EPA and the Army Corps of Engineers identify a scientifically-backed, commonsense definition of waters of the U.S., which can stand the test of time. To ensure these perspectives are heard as the agencies begin this process, ADEQ has assembled a diverse panel of Arizona stakeholders, from conservation groups, industry, and local governments, to speak to the importance of establishing commonsense regulations for waters of the United States under the Clean Water Act.

In accordance with all existing rules, regulations, and ethical guidelines, we respectfully request that you give the ADEQ roundtable proposal full and fair consideration as you make this importance decision.

Sincerely,

Mark Kelly

United States Senator

Kyrsten Sinema



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX

75 Hawthorne Street San Francisco, CA 94105-3901

OFFICE OF THE REGIONAL ADMINISTRATOR

March 3, 2022

The Honorable Mark Kelly United States Senate Washington, D.C. 20510

The Honorable Krysten Sinema United States Senate Washington, D.C. 20510

Dear Senators Kelly and Sinema:

Thank you for your January 10, 2022, letter concerning funding remediation efforts at Superfund sites in Arizona with appropriations from the Bipartisan Infrastructure Law (BIL), formally known as the Infrastructure Investment and Jobs Act (IIJA). The Environmental Protection Agency (EPA) shares your enthusiasm for, and commitment to, the successful implementation of this major piece of legislation, and I look forward to the opportunity to discuss this and other important environmental issues with you directly in the near future.

As you know, the BIL provides additional resources, including \$3.5 billion for the Superfund Remedial program. EPA has been working to identify priorities for the BIL's infusion of Superfund money and will be dedicating the vast majority of the \$3.5 billion to remedial construction projects and long-term response projects at National Priority List (NPL) sites. This will maximize the waiver of the state cost share requirements for funding Superfund cleanups otherwise applicable pursuant to the original Superfund law, known as CERCLA. In addition, BIL funds for remedial construction will enable EPA to dedicate more of its annually appropriated funds and/or funds available from Superfund tax revenues for other crucial Superfund activities, including remedial investigations, feasibility studies, remedial designs, and community involvement activities.

In Arizona, EPA Region 9 and our partners at the Arizona Department of Environmental Quality are evaluating NPL sites currently under investigation and/or ready for remedial action to determine which could benefit from BIL funding. While some of the sites in Arizona may not be eligible for Superfund infrastructure funds at this time, they may be eligible for BIL water funds, and EPA has been encouraging local agencies to apply for those opportunities. Throughout this process, EPA Region 9 will continue to coordinate with our state and local partners to best use BIL funding.

You also inquired about certain federal facilities in Arizona, including Luke Air Force Base, Williams Air Force Base, and Yuma Marine Corps Air Station. The EPA allocation of BIL funding is not being utilized at Department of Defense sites. However, the Department of Defense the existing Defense Environmental Restoration Program that funds much of this ongoing work.

In your letter, you also requested that EPA Region 9 examine whether a portion of the Superfund allocation could be used for remediation efforts at abandoned uranium mines on the Navajo Nation. At this time, EPA is planning to use those funds for National Priority List projects.

Thank you for your support of this monumental effort and your dedication to the people of Arizona. EPA Region 9 looks forward to utilizing the resources provided in the BIL to address Superfund sites across Arizona more expeditiously. I would very much like to set up a meeting with you at a convenient time to introduce myself and discuss this and other EPA-related issues. Our Congressional Liaison, Sonam Gill, will be in touch with your staff to pursue such a meeting. She can be reached at 415-972-3380 or via email at gill.sonam@epa.gov. I can be contacted at 415-947-8702 or via email at guzman.martha@epa.gov. I look forward to our continued coordination and cooperation.

Sincerely,

Martha Guzman Regional Administrator



January 10, 2022

The Hon. Michael Regan Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Regan:

I was pleased to see that the Environmental Protection Agency (EPA) announced a \$1 billion investment on December 17 to fund cleanup and remediation efforts at 49 Superfund sites with funding appropriated under the Infrastructure Investment and Jobs Act (IIJA). As you know, the IIJA was a strong bipartisan effort that I led to address our nation's pressing infrastructure needs, which includes the backlog of Superfund sites that require the EPA's attention.

As the EPA considers how to apportion the remaining \$2.5 billion for Superfund sites allocated to the agency under the provisions of the IIJA, I ask that the EPA consider funding remediation efforts at Superfund sites in Arizona. EPA lists 14 Superfund sites in Arizona.

This includes, for example, the Arizona Department of Environmental Quality and EPA report that volatile organic compounds (VOCs), including trichloroethene, are migrating from grounds of the former Motorola 52nd Street plant in Phoenix past the boundaries of the current Superfund site. The concentrations of these VOCs exceed the maximum contaminant levels for human exposure. Other Superfund sites in Arizona are: the Apache Powder Co., Asarco Hayden Plant, Cyprus Tohono Mine, Hassaympa Landfill, Indian Bend Wash Area, Luke Airforce Base, Williams Air Force Base, Mountain View Mobile Home Estates, Nineteenth Avenue Landfill, Phoenix-Goodyear Airport Area, Tucson International Airport Area, Yuma Marine Corps Air Station, and the Iron King Mine.

In addition, I request that the EPA examine whether a portion of the Superfund allocation could be used for remediation efforts at abandoned uranium mines on the Navajo Nation. Over 500 abandoned uranium mines continue to pose health and safety risks from radiation exposure to the Navajo people. As you know, the Superfund provisions of IIJA require the Administrator to "consider the unique needs of Tribal communities with contaminated sites where the potentially responsible parties cannot pay or cannot be identified." We believe this language demonstrates clear Congressional intent that, as funding decisions are made, the needs sites like the abandoned mines on the Navajo Nation must be clearly taken into account.

In accordance with all existing agency rules, regulations, and ethical guidelines, we respectfully ask that you give this proposal full and fair consideration. Thank you for your consideration.

United States Senate Washington, DC 20510

Sincerely,

Kyrsten Sinema U.S. Senator

Mark Kelly U.S. Senator

United States Senate

WASHINGTON, DC 20510

February 2, 2022

The Honorable Joseph R. Biden, Jr. President 1600 Pennsylvania Ave., NW Washington, D.C. 20500

Dear President Biden:

We appreciate your focus on accelerating government-wide efforts to prevent and respond to per- and polyfluoroalkyl substances (PFAS) that threaten our health and the environment. We encourage you to provide detailed funding plans for a broad range of agencies and programs in your budget request to Congress for Fiscal Year 2023 to address the scale and scope of the challenges presented by PFAS.

PFAS chemicals have emerged as widespread contaminants affecting thousands of communities across the country, causing significant concern for those drinking contaminated water or facing significant exposures through their work or military service. These chemicals, which persist in the environment and accumulate over time, have been used for decades in a wide variety of consumer products, various industrial applications, firefighting foam and the personal protective equipment firefighters wear on the job, presenting numerous pathways of exposure.

The prevalence of PFAS combined with the adverse health impacts associated with exposure—including developmental effects, changes in liver, immune, and thyroid function and increased risk of some cancers—requires a comprehensive approach. Specifically, we ask that your budget request include dedicated funding to close gaps in data and research to better inform responses and drive innovation. Second, we urge prioritization of regulatory work necessary to enhance protections for public health and the environment. Finally, we encourage robust funding to support ongoing testing and cleanup of existing contamination nationwide.

Our nation's response to PFAS must be guided by sound science. The budget should invest in research that will:

• Advance scientific understanding of exposure pathways, toxicities, health and ecological impacts. The budget request for the Environmental Protection Agency (EPA) should support research priorities outlined in the PFAS Strategic Roadmap, including increasing understanding of PFAS exposures and toxicities, human health and ecological effects and effective interventions. Additionally, the ongoing efforts of the National Science and Technology Council to develop a National Emerging Contaminant Research Initiative² and update its plan for addressing critical research gaps related to emerging contaminants in drinking water³ should inform budget requests for research activities at

¹ United States Environmental Protection Agency. (2021). *PFAS Strategic Roadmap: EPA's Commitments to Action* 2021-2024. Retrieved from https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf.

² As required by Sec. 7342 of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92).

³ As directed by Congress in the joint explanatory statement accompanying Division B of the Consolidated Appropriations Act, 2021 (P.L. 116-260).

the National Institutes of Health (NIH), EPA, the U.S. Geological Survey (USGS), National Science Foundation (NSF), National institute of Standards and Technology (NIST) and other federal agencies. The budget should also support ongoing efforts to evaluate PFAS exposure on human health like the multi-site PFAS health impacts study being undertaken by the of Centers for Disease Control and Prevention (CDC) and Agency for Toxic Substances and Disease Registry (ATSDR). The budget should also prioritize better utilization of data collected through the Department of Defense's (DoD) PFAS blood testing program for DoD firefighters⁵ and provide blood testing to current and former service members—and their families—who served at one of the more than 600 military installations confirmed to have PFAS contamination. Additionally, studies at the National Institute for Occupational Safety and Health (NIOSH) looking at specific risks of chemical manufacturing workers, firefighters and other occupations and work at NIST to identify risks to firefighters from PFAS in their protective gear are critical to addressing specific risks to our first responders and other critical workers. Efforts to develop guidance and provide physician education on best practices for caring for patients with PFAS exposure should also be supported, including the ongoing partnership between the Department of Health and Human Services and the National Academies of Science, Engineering, and Medicine.

- Accelerate development of tools and technologies to clean up and ultimately destroy PFAS. As contaminated sites are cleaned up and PFAS containing materials are phased out of use in firefighting foams, more needs to be done to accelerate technologies to test, treat and ultimately fully destroy PFAS so that disposal does not simply transfer harmful substances from one medium to another—a practice that too often adds environmental burden to already disadvantaged communities.
- **Promote transitions to safer materials.** In addition to using federal procurement to prioritize purchasing products without added PFAS, the budget should support innovation in finding suitable replacements for essential items such as personal protective firefighting equipment and firefighting foam.

Our regulatory framework must also catch up to the risks posed by PFAS. Accordingly, we request that the budget include sufficient funding and staffing to:

- Undertake and expedite regulatory work outlined in the EPA's PFAS Strategic Roadmap. The EPA needs sufficient funds and staff to establish drinking water standards, establish a framework to hold responsible parties accountable and undertake other regulatory actions to reduce PFAS pollution into the air, soil and water. This work should emphasize increasing engagement with representatives from communities most impacted by PFAS pollution to promote partnership in addressing PFAS contamination across the nation and facilitating access to clear, easy to understand information for the general public.
- Address PFAS in agriculture, the food supply and consumer products. The United States Department of Agriculture (USDA) and Food and Drug Administration (FDA)

⁴ As established by Section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (P.L. 115–91) and extended by Section 342 of the National Defense Authorization Act for Fiscal Year 2022 (P.L.117-81).

⁵ Inspector General, U.S. Department of Defense. (2021). Evaluation of the Department of Defense's Actions to Control Containment Effects from Perfluoroalkyl and Polyfluoroalkyl Substances at Department of Defense Installations (Report No. DODIG-2021-105). Retrieved from https://media.defense.gov/2021/Jul/23/2002809965/-1/-1/1/DODIG-2021-105.PDF.

- have important roles in protecting consumers from undue risk from PFAS in the food supply and products like cosmetics.
- Facilitate the end of use of PFAS-containing firefighting foam at airports, local fire departments and military installations. The budget should prioritize necessary research and regulatory updates, including a new firefighting foam military specification, to ensure the military and civilian airports transition away from the use of fluorinated aqueous film-forming foam (AFFF) as required by Congress.⁶

Finally, we urge the budget request to support monitoring, testing, cleanup and support for impacted parties. Specifically, we encourage the budget request to:

- Support PFAS monitoring and sampling in water and wildlife. The budget should support USGS efforts to sample for PFAS in estuaries, lakes, streams, springs, wells, wetlands, and soil nationwide, as well as work to understand groundwater vulnerability. The budget should also support research through the National Oceanic and Atmospheric Administration's National Sea Grant College program into the prevalence, transportation, accumulation and effects of PFAS within coastal waters.
- Ensure the DoD can meet testing requirements and accelerate cleanup activities. Congress has required DoD to establish a PFAS task force, complete testing at DoD and National Guard installations within two years, develop a proposed schedule for PFAS remediation and report on the status of cleanup at 50 PFAS sites nationwide. The budget should significantly increase funding for testing and cleanup activities to address the needs of the nearly 700 sites with known or suspected contamination from PFAS as required by the Fiscal Year 2022 National Defense Authorization Act, while ensuring the timely buyout of contaminated lands and dispersal of relocation assistance authorized in the FY 2020 NDAA. This work should emphasize increasing direct outreach and engagement with impacted communities on and around affected installations. We also request that the budget include cost estimates for future PFAS investigation and cleanup, including their scope and any limitations, as recommended by the U.S. Government Accountability Office (GAO).8
- Prioritize implementation of funding for PFAS and emerging contaminants under the bipartisan Infrastructure Investment and Jobs Act. Congress provided a total of \$10 billion to address PFAS and other emerging contaminants through the Drinking Water State Revolving Fund, the Clean Water State Revolving Fund and the EPA's small and disadvantaged communities program that includes a critical state response to contaminants program. We encourage your budget request to prioritize implementation of these funds, including providing technical assistance, information sessions, grant workshops, as well as extensive advertising and outreach to ensure states, tribes and local entities are aware of and can fully participate in opportunities to address PFAS and other emerging contaminants provided by the bipartisan infrastructure law.
- Support funding for agricultural producers harmed by PFAS contamination. The budget should support robust funding to help monitor and detect PFAS in the food

⁶See Section 332 of the Federal Aviation Administration Reauthorization Act of 2018 (P.L. No. 115-254) and Sec. 322 of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92).

⁷ See Subtitle D of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81).

⁸ United States Government Accountability Office. (2021). *Firefighting Foam Chemicals: DOD is Investigating PFAS and Responding to Contamination, but Should Report More Cost Information* (GAO-21-421). Retrieved from https://www.gao.gov/assets/gao-21-421.pdf.

supply. Many farmers, producers, and growers, at no fault of their own, have found alarmingly high levels of PFAS in their food products. Therefore, the budget should also take into consideration the financial support that farmers, producers, and growers need when they are forced to remove their products from the commercial market. Existing programs like the Dairy Indemnity Payment Program have been a lifeline to farmers across the country who have been forced to remove milk and cattle from the commercial market due to PFAS contamination.

We look forward to working with you to meet the promise of providing all Americans clean air, clean water and safe food, free of harmful chemicals. Thank you for your consideration.

Sincerely,

Jeanne Shaheen

United States Senator

anne Shaheen

United States Senator

United States Senator

Angus S. King, Jr.

United States Senator

United States Senator

Christopher A. Coons

United States Senator

Dianne Feinstein United States Senator

Sheldon Whitehouse United States Senator

Jacky Rosen

United States Senator

Margaret Wood Hassan
United States Senator

Patrick Leahy

United States Senator

Amy Klobuchar
United States Senator

John Hickenlooper

United States Senator

Elizabeth Warren

United States Senator

Catherine Cortez Masto United States Senator

Gary C. Peters

United States Senator

Chris Van Hollen

Debbie Stabenow United States Senator

United States Senator

United States Senator

United States Senator

United States Senator

United States Senator

United States Senator

Cory A. Booker

United States Senator

Bernard Sanders

United States Senator

Raphael G. Warnock United States Senator

Martin Heinrich United States Senator

Edward J. Markey
United States Senator

Thomas R. Carper United States Senator

Kyrsten Sinema



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Jeanne Shaheen United States Senate Washington, D.C. 20510

Dear Senator Shaheen:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25 17:19:00 -04'00'

Faisal Amin Chief Financial Officer



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Susan M. Collins United States Senate Washington, D.C. 20510

Dear Senator Collins:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Richard Blumenthal United States Senate Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25 17:20:33 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Jack Reed United States Senate Washington, D.C. 20510

Dear Senator Reed:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25
17:21:50 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Angus S. King, Jr. United States Senate Washington, D.C. 20510

Dear Senator King:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25
17:22:45 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Christopher A. Coons United States Senate Washington, D.C. 20510

Dear Senator Coons:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25
17:25:05 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Dianne Feinstein United States Senate Washington, D.C. 20510

Dear Senator Feinstein:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal Date: 2022.03.25 17:26:11 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Kirsten Gillibrand United States Senate Washington, D.C. 20510

Dear Senator Gillibrand:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal

Digitally signed by Amin, Faisal Date: 2022.03.25 17:28:08 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Sheldon Whitehouse United States Senate Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25
17:31:21 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Jacky Rosen United States Senate Washington, D.C. 20510

Dear Senator Rosen:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal

Digitally signed by Amin, Faisal Date: 2022.03.25 17:32:29 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Margaret Wood Hassan United States Senate Washington, D.C. 20510

Dear Senator Hassan:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at Walsh. Ed@epa.gov or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Faisal

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25 17:33:39 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Patrick Leahy United States Senate Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, by Faisal

Digitally signed by Amin, Faisal Date: 2022.03.25 17:34:49 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Amy Klobuchar United States Senate Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25 17:35:54 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable John Hickenlooper United States Senate Washington, D.C. 20510

Dear Senator Hickenlooper:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

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Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25 17:38:20 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Elizabeth Warren United States Senate Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal

Digitally signed by Amin, Faisal Date: 2022.03.25 17:40:26 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Catherine Cortez Masto United States Senate Washington, D.C. 20510

Dear Senator Masto:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal

Digitally signed by Amin, Faisal Date: 2022.03.25 17:41:35 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Gary C. Peters United States Senate Washington, D.C. 20510

Dear Senator Peters:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal

Digitally signed by Amin, Faisal Date: 2022.03.25 17:42:48 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Chris Van Hollen United States Senate Washington, D.C. 20510

Dear Senator Van Hollen:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25 17:43:57 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Debbie Stabenow United States Senate Washington, D.C. 20510

Dear Senator Stabenow:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Mark Kelly United States Senate Washington, D.C. 20510

Dear Senator Kelly:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digit by A Patter 17:4

Digitally signed by Amin, Faisal Date: 2022.03.25 17:47:14 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Ben Ray Lujan United States Senate Washington, D.C. 20510

Dear Senator Lujan:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, by Faisal

Digitally signed by Amin, Faisal Date: 2022.03.25 17:48:51 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Tammy Baldwin United States Senate Washington, D.C. 20510

Dear Senator Baldwin:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal Digitally signed by Amin, Faisal Date: 2022.03.25 17:50:36 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Alex Padilla United States Senate Washington, D.C. 20510

Dear Senator Padilla:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

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Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25 17:52:06 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Ron Wyden United States Senate Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

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Sincerely,

Amin, Faisal Digitally signed by Amin, Faisal Date: 2022.03.25 17:53:57 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Richard J. Durbin United States Senate Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Digitally signed by Amin, Faisal Date: 2022.03.25



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Cory A. Booker United States Senate Washington, D.C. 20510

Dear Senator Booker:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at Walsh. Ed@epa.gov or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Digitally signed Amin. Faisal

by Amin, Faisal Date: 2022.03.25 17:57:48 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Bernard Sanders United States Senate Washington, D.C. 20510

Dear Senator Sanders:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal

Digitally signed by Amin, Faisal Date: 2022.03.25 17:59:14 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Tina Smith United States Senate Washington, D.C. 20510

Dear Senator Smith:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal Digitally signed by Amin, Faisal Date: 2022.03.25 18:01:11 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Raphael G. Warnock United States Senate Washington, D.C. 20510

Dear Senator Warnock:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, by

Digitally signed by Amin, Faisal Date: 2022.03.25 18:02:47 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Martin Heinrich United States Senate Washington, D.C. 20510

Dear Senator Heinrich:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal Digitally signed by Amin, Faisal Date: 2022.03.25 18:04:46 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Edward J. Markey United States Senate Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Dig

Digitally signed by Amin, Faisal Date: 2022.03.25 18:06:32 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Thomas R. Carper United States Senate Washington, D.C. 20510

Dear Senator Carper:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal

Digitally signed by Amin, Faisal Date: 2022.03.25 18:08:31 -04'00'



WASHINGTON, D.C. 20460

March 25, 2022

OFFICE OF THE CHIEF FINANCIAL OFFICER

The Honorable Kyrsten Sinema United States Senate Washington, D.C. 20510

Dear Senator Sinema:

Thank you for your letter on February 2, 2022, to President Biden about FY 2023 President's Budget funding levels associated with responding to per- and polyfluoroalkyl substances. I am pleased to respond to your letter with respect to the programs of the U.S. Environmental Protection Agency.

Although the EPA is unable to comment on the budget request until it is submitted to Congress, we appreciate your request. The agency continues to prioritize addressing the public health threat posed by PFAS exposure. The EPA's approach is guided by the agency's October 2021 PFAS Strategic Roadmap, our whole-of-agency approach to tackling PFAS that sets timelines by which the EPA plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people. As part of this commitment, the agency will request appropriate funding to continue fulfilling the goals set out in our comprehensive strategy around researching, restricting, and remediating PFAS to protect public health and the environment from the risks of PFAS. Additionally, through the Infrastructure Investment and Jobs Act, the EPA was appropriated \$10 billion to help communities test for and clean up PFAS and other emerging contaminants in drinking water and wastewater.

Please do not hesitate to contact me, or Ed Walsh in my office at <u>Walsh.Ed@epa.gov</u> or (202) 564-4594, should you have further questions or would like to set up a meeting to discuss the EPA's FY 2023 President's Budget Request for PFAS initiatives.

Sincerely,

Amin, Faisal Digitally signed by Amin, Faisal Date: 2022.03.25 18:14:19 -04'00'

United States Senate

WASHINGTON, DC 20510 April 22, 2022

The Honorable Michael Regan Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20460

Dear Administrator Regan:

We write to encourage the U.S. Environmental Protection Agency (EPA) to continue the longstanding exemption for livestock odors as it works to develop updated reporting requirements under the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA).

As you know, the EPCRA was enacted to ensure proper notice is given to relevant authorities in cases of accidental spills, chemical plant explosions, and release of hazardous chemicals from sinking ships or train derailments. Congress never imagined that normal odors of livestock, poultry, and egg production would somehow be captured.

In 2008, EPA finalized a rule to exempt manure odors from CERCLA and EPCRA reporting requirements. This exemption was defended in court by the Obama administration, arguing that Congress never believed low-level livestock manure odors were the kind of releases they intended to manage with these laws. However, in 2017, the U.S. Court of Appeals for the D.C. Circuit vacated this CERCLA and EPCRA reporting exemption. In 2018, Congress responded in strong bipartisan fashion by passing the Fair Agricultural Reporting Method (FARM) Act. This law amended CERCLA to expressly exempt reporting of air emissions from animal waste at farms. In 2019, EPA finalized a parallel reporting exemption under EPCRA. This rule reflected the relationship between CERCLA and EPCRA release reporting requirements and comports with the statutory text, framework, and legislative history, as well as EPA's previous regulatory actions.

Maintaining the farm reporting exemption from EPCRA provides clarity to both farmers and emergency responders. Farms and ranches of all sizes will be burdened with additional regulatory reporting requirements if the exemption is eliminated.

Congress never intended EPCRA to regulate manure odors from farms. Further, such a regulation will directly impede the purpose of EPCRA. We strongly encourage EPA to maintain the EPCRA reporting exclusion for air emissions from animal waste at farms.

Sincerely,

United States Senate

WASHINGTON, DC 20510

Deb Fischer (R-NE)

Deb Fischer (R-NE) United States Senator

Chuck Grassley (R-IA)
United States Senator

John Boozman (R-AR) United States Senator

Kyrsten Sinema (D-AZ) United States Senator

Ted Cruz (R-TX)
United States Senator

John Barrasso, M.D. (R-WY)
United States Senator

Tommy Tuberville (R-AL) United States Senator on Tester (D-MT)
United States Senator

John Hoeven (R-ND) United States Senator

James Lankford (R-OK) United States Senator

John Thune (R-SD) United States Senator

Joni Ernst (R-IA) United States Senator

Bill Cassidy, M.D. (R-LA)
United States Senator

Mike Crapo (R-ID)
United States Senator

United States Senate

WASHINGTON, DC 20510

Cynthia M. Lummis (R-WY)

United States Senator

James E. Risch (R-ID) **United States Senator**

Steve Daines (R-MT) **United States Senator**

Jerry Moran (R-KS)

United States Senator

Rose W. Mordall Roger Marshall, M.D. (R-KS)

United States Senator



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Debra Fisher United States Senate Washington, D.C. 20510

Dear Senator Fisher:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

We appreciate the comments in your letter and will take them into consideration. Additionally, stakeholders and interested individuals will have the opportunity to comment following publication of the proposed rule to revise or rescind the exemption. The EPA will consider all comments prior to taking a final action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen

Acting Assistant Administrator



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable John Barrasso, M.D. United States Senate Washington, D.C. 20510

Dear Senator Barrasso:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable John Boozman United States Senate Washington, D.C. 20510

Dear Senator Boozman:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable William Cassidy, M.D. United States Senate Washington, D.C. 20510

Dear Senator Cassidy:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Michael D. Crapo United States Senate Washington, D.C. 20510

Dear Senator Crapo:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Ted Cruz United States Senate Washington, D.C. 20510

Dear Senator Cruz:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Steve Daines United States Senate Washington, D.C. 20510

Dear Senator Daines:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Joni Ernst United States Senate Washington, D.C. 20510

Dear Senator Ernst:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Charles E. Grassley United States Senate Washington, D.C. 20510

Dear Senator Grassley:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable John Hoeven United States Senate Washington, D.C. 20510

Dear Senator Hoeven:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

We appreciate the comments in your letter and will take them into consideration. Additionally, stakeholders and interested individuals will have the opportunity to comment following publication of the proposed rule to revise or rescind the exemption. The EPA will consider all comments prior to taking a final action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable James Lankford United States Senate Washington, D.C. 20510

Dear Senator Lankford:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Cynthia M. Lummis United States Senate Washington, D.C. 20510

Dear Senator Lummis:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Roger W. Marshall, M.D. United States Senate Washington, D.C. 20510

Dear Senator Marshall:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Jerry Moran United States Senate Washington, D.C. 20510

Dear Senator Moran:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable James E. Risch United States Senate Washington, D.C. 20510

Dear Senator Risch:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Kyrsten Sinema United States Senate Washington, D.C. 20510

Dear Senator Sinema:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Jon Tester United States Senate Washington, D.C. 20510

Dear Senator Tester:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable John Thune United States Senate Washington, D.C. 20510

Dear Senator Thune:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Sincerely,

Barry N. Breen



WASHINGTON, D.C. 20460

June 2, 2022

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Tommy Tuberville United States Senate Washington, D.C. 20510

Dear Senator Tuberville:

Thank you for your letter of April 22, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the reporting requirements for air releases from animal waste at farms under the Emergency Planning and Community Right-to-Know Act (EPCRA).

The final rule issued in 2019 exempts farms from reporting air emissions of hazardous substances from animal waste under EPCRA. The agency is currently reviewing the rule in accordance with Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. In February 2022, the EPA's motion to remand the rule was granted. The agency will commence a new notice-and-comment rulemaking procedure to revise or rescind the rule to consider requirements for reporting emissions of hazardous substances from animal waste under EPCRA. While the EPA undergoes the rulemaking process, the rule and its EPCRA exemption for farms will remain in place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen

Congress of the United States Washington, DC 20515

May 19, 2022

Radhika Fox Assistant Administrator Office of Water U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20460

Dear Assistant Administrator Fox:

Since 1974, the Safe Drinking Water Act ("SDWA") has protected the health and safety of many Americans through the funding and regulation of public water systems. However, over eight million Americans still lack access to safe drinking water today¹. As we continue to pass legislation to benefit the American people, we must use every tool at our disposal to ensure that all Americans, including those in the most vulnerable and water-stressed communities, can turn on a tap in their home and drink safe water.

Small public water systems that serve rural and remote locations are the most likely to experience SDWA water quality violations- and these are also communities that lack the funding, personnel, and time to plan, build, and maintain water system improvements. Equally dire are the many households who are not connected to public water systems at all, and instead are forced to rely on trucked water, bottled water, or unsafe private wells. Incumbent EPA programs, including the Drinking Water State Revolving Fund ("DWSRF"), are only structured to serve public water systems, therefore excluding these households.

Arizonans have experienced drinking water contamination for years. These natural and manmade contaminants more frequently impact small public water systems serving less than 3,000 residents. In the Seventh Congressional District, 23 water systems currently have SDWA violations and 22 of those serve less than 1,500 people². In the Second and Third Congressional districts, the toxin polyfluoroalkyl ("PFAS") was discovered in local water systems, thought to have originated from wells located in an EPA-deemed superfund site. This discovery left 60,000 residents without drinking water³. Across the state, 195 out of the 205 public water systems are in similar position, and collectively they serve over 200,000 residents⁴. It is quite apparent that existing EPA programs are failing these communities.

¹ Enforcement and Compliance History Online (ECHO) EPA- Drinking Water Systems

² Ibid

³ Dwyer, D. & Ebbs, S. & Yoo, J. (2021, August 10) 'Ticking Time Bomb: PFAS chemicals in drinking water alarm scientists over health risks. ABC News. https://abcnews.go.com/US/ticking-time-bomb-pfas-chemicals-drinking-water-alarm/story?id=79300094

⁴ Enforcement and Compliance History Online (ECHO) EPA- Drinking Water Systems

In their analysis of the American Community Survey, DigDeep and the U.S. Water Alliance found that Native Americans were the most likely to face water access issues: 58 out of every 1,000 Native American households lack complete plumbing, as opposed to three out of every 1,000 white households⁵. For EPA to fulfill its mandate and ensure all Americans have access to safe drinking water, we respectfully request the agency utilize existing flexibility in programs to make sure that the rural, remote, and most water stressed aren't left behind, which includes utilizing alternative water sources such as distributed drinking water technologies.

The 1st Congressional District includes the Navajo Nation, the Hopi Tribe, and the Gila River Indian Community and has an overall Native American population of 25%, the largest of any Congressional District. Today, 48% of homes on tribal land across the country do not have access to reliable water sources, clean drinking water, or basic sanitation⁶. Many Tribal communities live with tap water contaminated with toxic arsenic or bacteria, and in homes without running water. As many as 30 to 40% of people living on the 27,000-square-mile Navajo reservation lack access to running water, forcing many to turn to windmill-powered wells⁷. A study found 12% of the unregulated water sources on the reservation exceeded federal drinking water standards for uranium or other radioactive contaminants, with one source showing uranium at 20 times higher than the limit⁸.

Congress's investment in expanded water programs is aimed at addressing drinking water access for underserved communities. However, traditional solutions such as extending infrastructure from miles away have created permitting and execution problems that too often prevent projects from ever being built.

Over the past decade, distributed water technologies have matured. These technologies now allow underserved communities to access drinking water more cheaply and quickly than traditional service line projects. Including such technologies (such as distributed water and atmospheric water harvesting) in the launch of new drinking water programs will allow existing communities to fully reap the benefits of these technologies. For example, the Navajo Nation has provided a clean drinking water supply to over 500 remote homes by instead using atmospheric water harvesting technology, providing a 91.8% cost savings over traditional water line extension project. Furthermore, this project was completed in 6 months, versus the proposed 10+years it would have taken to extend the service lines to every home.

To fulfill the promise of the SDWA, flexibility and consideration of new solutions like these will ultimately protect the health of more Americans and finally fulfill our obligation to provide clean, reliable, and affordable drinking water. It is our understanding that EPA has enough flexibility within existing programs and the aforementioned proposed programs to utilize distributed drinking water technologies. We respectfully request your assistance in ensuring that

⁵ DigDeep & US Water Alliance. (2019). Closing the Water Access Gap in the United States. https://www.digdeep.org/close-the-water-gap

⁶ Democratic Staff of the House Natural Resources Committee. (2016). Water Delayed is Water Denied. https://naturalresources.house.gov/imo/media/doc/House% 20Water% 20Report_FINAL.pdf

⁷ Ibid.

⁸ Ibid.

the deployment of distributed water solutions are eligible under these programs, in order to close the equity gap for rural communities, Native American communities, and communities of color.

Thank you for the consideration of this request in accordance with all applicable rules, regulations, laws, and guidelines.

Sincerely,

Ruben Gallego Member of Congress

Mark Kelly U.S. Senator

Greg Stanton Member of Congress

Raúl Grijalva Member of Congress Tom O'Halleran Member of Congress

Kyrsten Sinema U.S. Senator

Ann Kirkpatrick Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

June 23, 2022

OFFICE OF AIR AND RADIATION

The Honorable Kyrsten Sinema United States Senate Washington, D.C. 20510

Dear Senator Sinema:

Thank you for your letter of May 26, 2022, to the U.S. Environmental Protection Agency (EPA) thanking EPA for working with the Maricopa County Air Quality Department (MCAQD) to develop flexible rules to modernize the generation of Emission Reduction Credits (ERCs) under the New Source Review permitting program. Your letter also requests that EPA continue to work with Maricopa County to finalize our review of Rules 204 and 205. The Administrator asked that I respond on his behalf.

Both rules 204 and 205 would allow for the generation of ERCs through non-traditional strategies and require careful review to ensure they meet Clean Air Act requirements. Rule 204 would allow for the electrification of private truck stops or the upgrading of on-site mobile equipment to generate ERCs. Rule 205 would authorize the generation of Mobile ERCs by retrofitting diesel or gasoline powered vehicles to electric or lower emitting vehicles.

EPA is committed to completing timely review of Rule 204, which was submitted as part of proposed revisions to the MCAQD's State Implementation Plan (SIP). EPA is prioritizing this review and plans to issue a Notice of Proposed Rulemaking to provide public notice on our proposed decision on this SIP revision in the fall. Regarding Rule 205, EPA is actively working with MCAQD as it prepares a draft of this rule. This summer we understand that MCAQD plans to hold a stakeholder meeting to seek comment on this draft prior to beginning a formal rulemaking process in late summer/early fall. We expect to receive a SIP revision regarding this rule by the end of the year.

We remain committed to assisting MCAQD in identifying and implementing innovative solutions to address their air quality concerns.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at *thundiyil.karen@epa.gov* or (202) 564-1142.

Sincere

Joseph Goffman

Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

June 23, 2022

OFFICE OF AIR AND RADIATION

The Honorable Mark Kelly United States Senate Washington, D.C. 20510

Dear Senator Kelly:

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at *thundiyil.karen@epa.gov* or (202) 564-1142.

Sincerely,

Joseph Goffman

Principal Deputy Assistant Administrator



WASHINGTON, DC 20510

May 26, 2022

The Honorable Michael Regan Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Regan,

We are writing to thank the Environmental Protection Agency (EPA) for working with the Maricopa County Air Quality Department to develop flexible rules to modernize the generation of Emission Reductions Credits (ERCs). Having rules in place with options for public and private entities to generate ERCs will provide much-needed certainty for the region's continued economic development, with the benefit of cleaner air.

As you know, the Clean Air Act places an absolute cap on industrial source pollution in non-attainment areas. To maintain a cap on pollution, certain increases in emissions from major industrial sources must be offset by emission reductions from other sources. Companies are required to comply with these offsets through ERCs, which is increasingly difficult as the traditional methods have been exhausted in Maricopa County. This situation is particularly acute with respect to ozone non-attainment, as many of the major industries planning to expand and locate in the County are technology related and require offsets for ozone precursors.

For this reason, Maricopa County developed and submitted Rule 204 to the EPA which would allow for nontraditional sources to generate ERCs, such as electrification of private truck stops or the upgrading of on-site mobile equipment. This rule was submitted over two years ago and is still pending review by the EPA. It is our understanding that Maricopa County has also been working with EPA to develop a rule (draft Rule 205) to authorize the generation of Mobile ERCs that would be obtained by retrofitting diesel or gasoline powered vehicles to electric or lower emitting vehicles.

In a recent letter to Maricopa County, EPA staff indicated that they successfully worked with Intel Corporation to overcome the challenge of identifying offsets for their recent expansion. We are encouraged to hear about EPA's willingness to collaborate with Maricopa County and Intel Corporation to proactively find innovative solutions to generate ERCs. We ask that you continue working with the county on Rule 204 and draft Rule 205 to provide similar opportunities to all companies looking to expand or relocate to Arizona.

Arizona is a growing state that is leading the nation in job development and innovative technologies. We hope that the EPA will continue to work cooperatively with Maricopa County to identify and implement innovative solutions that result in the reduction of ozone pollution while also opening the door to critical economic development and job creation.

United States Senate

WASHINGTON, DC 20510

In accordance with all existing agency rules, regulations, and ethical guidelines, we respectfully ask that you give this request full and fair consideration.

Sincerely,

Kyrsten Sinema U.S. Senator

Mark Kelly U.S. Senator

United States Senate WASHINGTON, DC 20510-0309

July 1, 2022

The Honorable Michael S. Regan Administrator U.S. Environmental Protection Agency Washington, DC 20004 The Honorable Michael L. Connor Assistant Secretary of the Army, Civil Works U.S. Department of the Army Washington, DC 20310

Dear Administrator Regan and Assistant Secretary Connor:

We write today regarding the regional roundtables hosted by the Environmental Protection Agency (EPA) and the Army Corps of Engineers' (Corps) to understand stakeholder experiences and challenges in implementing the definition of "waters of the United States" (WOTUS) under the Clean Water Act.

We appreciate that EPA and the Corps sought to use the roundtable process to understand the geographic differences between states and regions, which must be considered when developing an enduring WOTUS definition. For instance, in Arizona and other states located in the arid southwest, there are many ephemeral features that remain dry for most of the year that could be regulated under a revised definition of WOTUS. We understand that many of these issues were discussed in significant detail at the roundtable hosted by the Arizona Farm Bureau on June 2, 2022.

As EPA and the Corps continue work to develop an enduring WOTUS definition, we ask that you ensure that the thoughtful, detailed comments provided to the agencies during these regional roundtables are incorporated into any current and future rulemaking being considered by the agency. We understand that there has been confusion among stakeholders regarding the purpose of these regional roundtables, and the role they will play in the rulemaking process.

It is crucial that the process the Agencies use to inform any update of the regulatory definition of WOTUS is transparent to the public. Accordingly, we respectfully ask that the Agencies provide the following documents and written responses to the following questions:

- 1. Will the feedback provided via the regional roundtables be documented within the federal register?
- 2. How will EPA and the Corps utilize the feedback received from the roundtable within the agency's ongoing work to evaluate the definition of WOTUS?
- 3. If EPA and the Corps promulgate additional proposed rules related to the definition of WOTUS, will you commit to ensuring that the notice and comment is structured to solicit stakeholder feedback from different states and geographic regions?

Thank you for your leadership, and your commitment to ensuring that any current or future rules related to the WOTUS definition adequately account for the unique needs of states like Arizona. We look forward to your response.

Sincerely,

Kyrsten Sinema U.S. Senator

Mark Kelly U.S. Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

November 17, 2021

OFFICE OF AIR AND RADIATION

The Honorable Kyrsten Sinema United States Senate Washington, D.C. 20510

Dear Senator Sinema:

Thank you for your letter dated October 5, 2021, to the Environmental Protection Agency (EPA) Administrator, Michael S. Regan, regarding EPA's proposed action to rescind the Clean Data Determination for Yuma, Arizona, for the 1987 24-hour national ambient air quality standard for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM10).

Your letter references EPA's Exceptional Events Rule, which establishes procedures and criteria for identifying and evaluating air quality monitoring data affected by exceptional events and criteria for requesting data exclusion. For a high wind dust event to qualify as a natural event under the Exceptional Events Rule, the state must show that the windblown dust is entirely from natural undisturbed lands in the area or that all anthropogenic sources are reasonably controlled. We encourage the Arizona Department of Environmental Quality to consult with the EPA Region 9 office using the initial notification process outlined in the Exceptional Events Rule to determine whether PM10 monitoring exceedances in the Yuma area have been influenced by exceptional events. Please note that the comment period for this proposed rule (published at 86 FR 29219 on June 1, 2021) was reopened until November 18, 2021. We are including your letter in the docket for this proposed rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at *Thundiyil.Karen@epa.gov* or at (202) 564-1142.

Joseph Goffman

Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

November 17, 2021

OFFICE OF AIR AND RADIATION

The Honorable Mark Kelly United States Senate Washington, D.C. 20510

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Joseph Goffman

Principal Deputy Assistant Administrator



October 5, 2021

The Honorable Michael S. Regan Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue NW Washington, DC 20004

Dear Administrator Regan,

We are writing to inquire about the proposed action of the Environmental Protection Agency (EPA) to rescind the Clean Data Determination for Yuma, Arizona.

Over the past 30 years, the Yuma area has taken steps to reduce Particulate Matter (PM) 10 emissions. Agriculture Best Management Practices have been developed, distributed, and widely adopted by Yuma-area growers because the agriculture industry is essential to the economic vitality of the community. Agriculture is the largest industry in Yuma, providing a \$3.2 billion economic impact to the Arizona economy, and accounting for nearly 25 percent of the jobs in Yuma.

According to the National Ambient Air Quality Standards for Particulate Matter, "an exceptional event is an uncontrollable event caused by natural sources of particulate matter or an event that is not expected to recur at a given location. Inclusion of such a value in the computation of exceedances or averages could result in inappropriate estimates of their respective expected annual values. To reduce the effect of unusual events, more than 3 years of representative data may be used." An example of an exceptional event is a "Haboob," an intense sandstorm or dust storm caused by strong winds, where sand and dust are often lofted as high as 5,000 feet. These types of storms are commonplace in Yuma.

The exceptional events exception is meant to help control data between different areas that may vary drastically in climate and weather, and to determine the impact of factors outside of the population's control.

Upon review of the information submitted by the Arizona Department of Environmental Quality (ADEQ), Yuma's exceedance of the 24-hour national ambient air quality standard (NAAQS) occurred during high wind events. Other than high wind events, the Yuma Area would not have exceeded PM10 thresholds.

United States Senate WASHINGTON, DC 20510

Therefore, we respectfully request ask that the EPA review the monitor data from 2018-2020 and determine if any of these high wind events would qualify to develop an Exceptional Events Rule (EER) exemption. Without a Yuma EER for high wind events, the area will continue to exceed the standard due to issues beyond their control. This exemption will also give more accurate data for future consideration. Finally, I ask that you share your findings with the appropriate offices in the State of Arizona, including the Arizona Department of Environmental Quality and the Governor of Arizona.

In accordance with all existing agency rules, regulations, and ethical guidelines, we respectfully ask that you give this proposal full and fair consideration. Thank you for your consideration.

Sincerely,

Kyrsten Sinema

U.S. Senator

Mark Kelly

Mal Kelly

U.S. Senator

United States Senate WASHINGTON, DC 20510-0309

July 1, 2022

The Honorable Michael S. Regan Administrator U.S. Environmental Protection Agency Washington, DC 20004 The Honorable Michael L. Connor Assistant Secretary of the Army, Civil Works U.S. Department of the Army Washington, DC 20310

Dear Administrator Regan and Assistant Secretary Connor:

We write today regarding the regional roundtables hosted by the Environmental Protection Agency (EPA) and the Army Corps of Engineers' (Corps) to understand stakeholder experiences and challenges in implementing the definition of "waters of the United States" (WOTUS) under the Clean Water Act.

We appreciate that EPA and the Corps sought to use the roundtable process to understand the geographic differences between states and regions, which must be considered when developing an enduring WOTUS definition. For instance, in Arizona and other states located in the arid southwest, there are many ephemeral features that remain dry for most of the year that could be regulated under a revised definition of WOTUS. We understand that many of these issues were discussed in significant detail at the roundtable hosted by the Arizona Farm Bureau on June 2, 2022.

As EPA and the Corps continue work to develop an enduring WOTUS definition, we ask that you ensure that the thoughtful, detailed comments provided to the agencies during these regional roundtables are incorporated into any current and future rulemaking being considered by the agency. We understand that there has been confusion among stakeholders regarding the purpose of these regional roundtables, and the role they will play in the rulemaking process.

It is crucial that the process the Agencies use to inform any update of the regulatory definition of WOTUS is transparent to the public. Accordingly, we respectfully ask that the Agencies provide the following documents and written responses to the following questions:

- 1. Will the feedback provided via the regional roundtables be documented within the federal register?
- 2. How will EPA and the Corps utilize the feedback received from the roundtable within the agency's ongoing work to evaluate the definition of WOTUS?
- 3. If EPA and the Corps promulgate additional proposed rules related to the definition of WOTUS, will you commit to ensuring that the notice and comment is structured to solicit stakeholder feedback from different states and geographic regions?

Thank you for your leadership, and your commitment to ensuring that any current or future rules related to the WOTUS definition adequately account for the unique needs of states like Arizona. We look forward to your response.

Sincerely,

Kyrsten Sinema U.S. Senator

Mark Kelly U.S. Senator



February 15, 2023

The Honorable Michael Regan Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Ave. N.W. Washington, D.C. 20460

Dear Administrator Regan:

We write to express our support for the City of Tucson's request of \$4,000,000 for an Organic Waste and Recycling Drop-off Program (Project) through the U.S. Environmental Protection Agency's (EPA) Solid Waste Infrastructure for Recycling (SWIFR) Grant program.

The City of Tucson seeks grant funds to develop seven collection sites for organics, single-stream recycling, and non-recyclable plastic. The collection sites will be in each of the six City Wards and at the City's Los Reales Sustainability Campus (LRSC). Tucson currently has a four percent diversion rate of organics and recyclables. The collection sites will provide equitable access to organic waste and recycling infrastructure to all City residents, including Environmental Justice (EJ) communities that have not historically had access to such programs in Tucson.

The collection sites not only will increase recycling rates and provide recycling access to underserved communities, but they will also increase convenience for current users of Tucson's curbside recycling collection. The City expects the collection sites will be used by over 22,000 households, or 10 percent of the City's population. The anticipated outputs of the collection sites include organic waste, including food and yard waste, that will be transported to the LRSC and composted. The finished compost will be made available at no cost to the public. The Project will benefit from real-time evaluation and tracking to calibrate the collection site hours and estimate how much compost is generated from organic material at the collection sites.

Finally, the City of Tucson is committed to the project and will provide in-kind contributions including using City-owned properties to host the drop-off sites, staffing and equipment for green waste collection and labor associated with composting the material at the LRSC. Tucson has a strong record of success managing grants and leveraging federal funds. For instance, the City has successfully managed EPA Brownfields and Department of Transportation federal highway and transit grants.

Tucson's Organic Waste and Recycling Drop-Off Program proposal brings tremendous value to the community. In accordance with all existing agency rules, regulations, and ethical guidelines, we respectfully ask that you give this proposal full and fair consideration as you make this important funding decision.

Sincerely,

Kyrsten Sinema

United States Senator

Mark Kelly

United States Senator



February 17, 2023

The Honorable Michael S. Regan Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Regan:

We write regarding the City of Glendale's application for the Solid Waste Infrastructure for Recycling Grant Program (SWIFR). Federal support would allow the City of Glendale to fund its Blue Barrel Program, which would replace all residential recycling containers and transform its post-consumer materials management infrastructure by improving the curbside collection program.

The City of Glendale currently uses sage green recycling containers city-wide. In low light it is hard to discern the sage green from the light beige used for non-organic or recyclable waste, which contributes to contamination of recycled materials. The City executed a pilot program where blue containers were used in place of the sage green container. Contamination in the blue containers decreased by an average of 14 percent and participation in the pilot areas increased significantly. These statistics were often higher in disadvantaged communities. The pilot program demonstrated a significant and measurable increase in the diversion of recyclables, improvements to the recycle rate, and an improved quality of materials collected. Transitioning to the blue containers that are commonly associated with recycling will break communication barriers and improve the City-wide recycle stream, reducing contamination.

Glendale's Blue Barrel Program proposal will have a measurable increase in the diversion, recycling rate, and quality of materials, bring tremendous value to the community. In accordance with all existing agency rules, regulations, and ethical guidelines, we respectfully ask that you give this proposal full and fair consideration as you make this important funding decision.

Sincerely,

Mark Kelly

United States Senator

Kyrsten Sinema

United States Senator

United States Senate WASHINGTON, DC 20510-0309

March 10, 2023

The Honorable Michael Regan Administrator Environmental Protection Agency Washington, D.C. 20460 The Honorable Michael Connor Assistant Secretary (Civil Works) U.S. Army Corps of Engineers Washington, D.C. 20310

Dear Administrator Regan and Secretary Connor,

We write regarding the final rule published by the U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA) on January 18, 2023 to revise the definition of Waters of the United States for the purpose of identifying the bodies of water subject to water quality protections established under the Clean Water Act. While we appreciate the work done by USACE and EPA to establish a durable definition for Waters of the United States (WOTUS), we remain concerned that if improperly implemented, this revised definition could create significant uncertainty for regulated parties in Arizona or fail to account for Arizona's unique hydrological conditions.

As you know, Arizona, and the entire desert southwest, has an arid climate which creates unique water supply and water quality challenges. Our region is in the midst of a decades-long drought, and ongoing shortages along the Colorado River have already led to water delivery cuts for some Arizona water users, with further reductions possible. Given these water scarcity challenges, Arizonans understand how critical it is to protect the water quality of our scarce sources of drinking water, which protections from the Clean Water Act help to enable.

At the same time, Arizona's arid and drought-prone climate means the vast majority of identified waterways are intermittent or ephemeral. In fact, the U.S. Geological Survey reports that of the 432,728 miles of waterways in Arizona, 98 percent are intermittent or ephemeral. While some of these waterways undoubtedly have an impact on the downstream water quality, many do not.

This makes the definition of what constitutes a Water of the United States incredibly important to Arizona. Defined too narrowly, critical sources of drinking water for Arizona could be left unprotected. But defined too broadly, hundreds of thousands of dry riverbeds, washes, arroyos, and ditches are subjected to strict federal regulations, despite never carrying water into a navigable waterway or source of drinking water.

We appreciate that the process undertaken by USACE and EPA over the past two years has sought to understand the geographic differences with regard to water resources that are

characteristic to different regions, as a means to inform the ongoing implementation of WOTUS. In particular, we appreciate that the agencies held a regional roundtable with a diverse range of stakeholders from Arizona and New Mexico, which was hosted by the Arizona Farm Bureau.

We recognize the efforts undertaken by the agencies to establish a durable definition of WOTUS in the final rule published in January 2023. While the rule is an improvement over prior WOTUS rulemakings conducted in 2015 and 2020, we note that this latest WOTUS definition continues to rely on the "relatively permanent" standard and the "significant nexus" standard for determining whether creeks, streams, rivers, lakes, ponds, ditches, impoundments, and adjacent wetlands are subject to Clean Water Act regulations. These standards, which have been utilized dating back to the 2006 *Rapanos v. United States* case before the Supreme Court, have unfortunately too often been applied broadly by USACE and EPA when making regulatory determinations. This has the unfortunate consequence of subjecting ephemeral and intermittent waterways in Arizona to the same regulatory standards of waterways in other parts of the country that have significantly different hydrological conditions.

If these standards are applied in a similarly broad manner as the agencies begin to implement this new WOTUS rule, we are concerned that Arizona communities, farms, and small businesses will be subject to new and costly regulatory burdens, without seeing a material water quality benefit to our precious sources of drinking water.

Therefore, we strongly encourage EPA and USACE to develop clear, consistent, and regionally-specific implementation guidance, based on the best available science and accounting for the geographic differences of water resources which are unique to different regions. We also ask that you respond, in writing, to the following questions:

- 1. What actions have been taken or will be taken as this new WOTUS rule is implemented to establish clear responsibilities, and ensure coordination between EPA regional offices and USACE regional offices on issues related to WOTUS? How will both USACE and EPA work with the U.S. Department of Agriculture on WOTUS issues?
- We understand that EPA and USACE plan to develop a jurisdictional determination form and instructional guidebook to ensure consistent implementation of the WOTUS final rule.
 - a. Have these resources already been developed and shared with regional offices? If not, what is the timeline for developing and deploying these resources?
 - b. What control mechanisms are being established at EPA and USACE headquarters to ensure regional offices are utilizing these new resources appropriately, and applying consistent jurisdictional determinations across the country?
 - c. To what extent do the jurisdictional determinations form and guidebook rely upon repeatable, objective scientific models? Does EPA intend to use previously developed evaluation frameworks, like the beta Streamflow Duration Assessment Method for the Arid West (released in 2021), in making jurisdictional determinations?

- 3. What efforts will the agencies undertake to ensure that outside stakeholders, like landowners, local communities, or farmers can understand, without undergoing a formal process associated with acquiring a 401 or 404 permit, whether an ephemeral or intermittent waterway would be regulated under the new definition of WOTUS?
- 4. Water flow modelling and pollution transport modelling tools have advanced significantly since the mid-2000s, and can provide a much clearer picture of whether a tributary is hydrologically connected to downstream, regulated bodies of water. How are the agencies planning to leverage new and more accurate models when making jurisdictional determinations on the regional level?
- 5. Arizona is home to 22 Tribal Nations. What steps will the agencies take to prioritize tribal consultation and tribal requests in making jurisdictional determinations?
- 6. How will the agencies define "prior converted cropland" for the purposes of determining exclusions from the WOTUS definition? And what resources will the agencies make available to farmers to confirm cropland meets the WOTUS exclusion?

We look forward to receiving your response, and appreciate your continued collaboration as we work to ensure federal resources are appropriately used to protect public health and our precious sources of drinking water.

Sincerely,

Mark Kelly

United States Senator

Kyrsten Sinema

United States Senator



WASHINGTON, DC 20510

June 14, 2021

The Honorable Michael S. Regan Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Dear Administrator Regan:

We are writing to request that you act expeditiously to address languishing applications for renewable electricity producers to participate in the Renewable Fuel Standard (RFS) program. Farmers, foresters, local governments and small business owners nationwide have been adversely impacted by the inability to participate in the RFS due to agency inaction on renewable facility registration applications involving approved fuel pathways and petitions for approval of additional fuel pathways.

Biogas, biomass and waste-to-energy electricity producers need the Environmental Protection Agency (EPA) to take action to approve their participation in this important program. In some cases, authorization for participation in the program is the difference between survival and having to shut their doors. The production of cellulosic biofuel electricity from RFS-approved feedstocks helps drive the growth and development of sustainable agriculture, forestry and the rural economy, and supports greenhouse gas emissions reductions. EPA needs to act with urgency to address obstacles limiting biomass power generation and the forest-based industries it supports.

Quick action on pending applications to generate RFS credits for electricity produced from biogas will allow electric vehicle owners to access power generated from low-carbon fuels, which is necessary to realize the full carbon savings potential of electric transportation. Under existing regulations and approved pathways, electricity generated with biogas from landfills and organic waste digesters is an RFS-qualified fuel that can be used to power electric vehicles (EVs), and yet many renewable fuel producers have been pursuing a response to their applications for almost seven years.

Congress has made clear the importance of addressing the backlog of advanced biofuel registrations so that more fuel producers can participate in the RFS. In 2020, Congress provided direction and funding for the EPA to process existing applications under the Renewable Fuels Pathway II for the electric pathway in the explanatory statement accompanying the Consolidated Appropriations Act, 2021 (P.L.116-260). Congress further directed EPA to provide a briefing within 60 days of the bill's enactment of planned Agency actions to process the existing applications. Accordingly, we respectfully request that the EPA approve applications to generate credits under the program for electricity produced with biogas.

In addition, we urge you to immediately process petitions for fuel pathways involving woody biomass feedstocks and waste-to-energy facilities, which are awaiting EPA action that is long

overdue. The current RFS program, which was passed into law as a part of the Energy Independence and Security Act of 2007, encourages American energy innovators to produce low carbon fuels from cellulosic biomass. To be eligible, cellulosic fuels—defined broadly to include both cellulosic biofuels and renewable electricity for electric vehicles—must attain at least a 60% reduction in carbon intensity compared to the petroleum-based fuel they are displacing. Electricity from woody biomass and waste-to-energy easily achieves this benchmark. However, electricity producers that use biomass and municipal waste as feedstocks are not yet eligible to participate in the RFS program because their fuel pathway petitions applications have not yet been approved by the EPA.

Allowing these cellulosic biofuel electricity producers to participate in the RFS will help achieve the original goals of the program. The law calls for 10.5 billion gallons of cellulosic biofuel in 2020. However, due to the lack of available cellulosic biofuels to satisfy this standard, the EPA adjusted the 2020 Renewable Volume Obligation to only 418 *million* gallons of cellulosic biofuel, less than 4% of the statutory target.

As the Administration considers the 2021 Renewable Volume Obligation, including electricity should be a top priority. Approving these backlogged applications and petitions, which the EPA has existing authority to do, will help the U.S. advance its clean energy goals while supporting local economies in rural America.

Thank you for your attention to this important issue.

Sincerely,

Jeanne Shaheen

United States Senator

rue Shaheen

Susan M. Collins United States Senator

Angus S. King, Jr. (

United States Senator

Margaret Wood Hassan United States Senator Tammy Baldwin

United States Senator

Kyrsten Sinema

United States Senator

CC: Janet McCabe, Deputy Administrator

Joseph Goffman, Acting Assistant Administrator, Office of Air and Radiation Sarah Dunham, Director, Office of Transportation and Air Quality

The Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture

ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MITT ROMNEY, UTAH
RICK SCOTT, FLORIDA
MICHAEL B. ENZI, WYOMING
JOSH HAWLEY, MISSOURI

GARY C. PETERS, MICHIGAN THOMAS R. CARPER, DELAWARE MAGGIE HASSAN, NEW HAMPSHIRE KAMALA D. HARRIS, CALIFORNIA KYRSTEN SINEMA, ARIZONA JACKY ROSEN, NEVADA

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 13, 2019

President Donald Trump The White House Washington D.C. 20500

Dear Mr. President:

We write to urge you to take swift action to address the vacant inspector general (IG) positions in the federal government. The Inspector General Act established IGs to promote economy, efficiency, and effectiveness in the administration and operation of the government.

At present, we understand there are nine vacancies of presidentially-appointed, Senate-confirmed IGs with no nominations pending and two vacancies for agency-appointed IGs.² The currently vacant presidentially-appointed IG positions include the Central Intelligence Agency, the Department of Defense, the Office of Personnel Management, the Tennessee Valley Authority, the Environmental Protection Agency, the Department of Education, the Nuclear Regulatory Commission, the Department of Health and Human Services, and the Department of the Treasury.³ Currently vacant agency-appointed IG positions are the Federal Election Commission and the Corporation for Public Broadcasting.⁴ Many of these positions have been vacant for over one year or more, including the Central Intelligence Agency, which has been vacant for over four years.⁵

While many acting IGs have served admirably in the absence of permanent leadership, the lack of a permanent leader threatens to impede the ability of these offices to conduct the oversight and investigations necessary to ensure that taxpayer dollars are protected, public safety risks are identified, and that whistleblowers who expose waste, fraud, and abuse are protected. In addition, the lack of a permanent IG can create the potential for conflicts of interest and diminish the essential independence of IGs.

As you continue to submit nominations for your administration, we respectfully request that you move expeditiously to nominate permanent IGs for the presidentially-appointed positions and to ask agency heads to follow suit. We stand ready to work with you and the Council of the Inspectors General on Integrity and Efficiency to promptly identify qualified and capable candidates for these positions.

Thank you for your attention to this important matter.

¹ 5 U.S.C. app. § 2 (1978).

² Project on Gov't Oversight, Inspector General Vacancy Tracker, *available at* https://www.pogo.org/database/inspector-general-vacancy-tracker/ (last accessed on September 12, 2019).

³ *Id*.

⁴ *Id*.

⁵ *Id*.

President Donald Trump September 13, 2019 Page 2 of 2

Sincerely,

Ron Johnson

Chairman

Committee on Homeland Security and

Governmental Affairs

Gary C. Peters

Ranking Member

Committee on Homeland Security and

Governmental Affairs

Rob Portman

United States Senator

Tom Carper

United States Senator

Rand Paul, M.D.

United States Senator

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United States Senate

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 13, 2019

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President Donald Trump September 13, 2019 Page 2 of 2

Sincerely,

Ron Johnson

Chairman

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Gary C. Peters

Ranking Member

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United States Senator

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United States Senator

Mitt Romney

United States Senator

Kyrsten Sinema

United States Senator

Michael B. Enzi

United States Senator

Jacky Rosen

United States Senator



WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable Martha McSally United States Senate Washington, D.C. 20510

Dear Senator McSally:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

The EPA and many other federal agencies have been collaborating with the Arizona's Rio Reimagined project's leaders, for example attending the project's opening ceremony in March 2018 and several subsequent key meetings.

The UWFP is currently developing a framework for incorporating future projects, and the EPA supports inclusion of the Rio Reimagined project as the UWFP's 20th designee.

Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

Sincerely,

David P. Ross

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WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable Kyrsten Sinema United States Senate Washington, D.C. 20510

Dear Senator Sinema:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

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Sincerely,

David P. Ross





WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable Raul M. Grijalva House of Representatives Washington, D.C. 20515

Dear Congressman Grijalva:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

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Sincerely,

David P. Ross





WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable Ruben Gallego House of Representatives Washington, D.C. 20515

Dear Congressman Gallego:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

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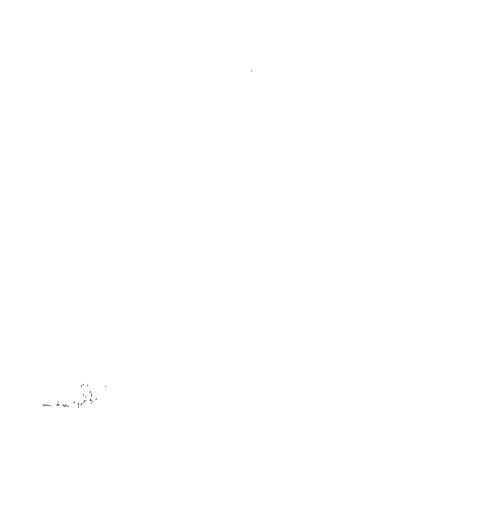
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Sincerely,

David P. Ross





WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable Debbie Lesko House of Representatives Washington, D.C. 20515

Dear Congresswoman Lesko:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

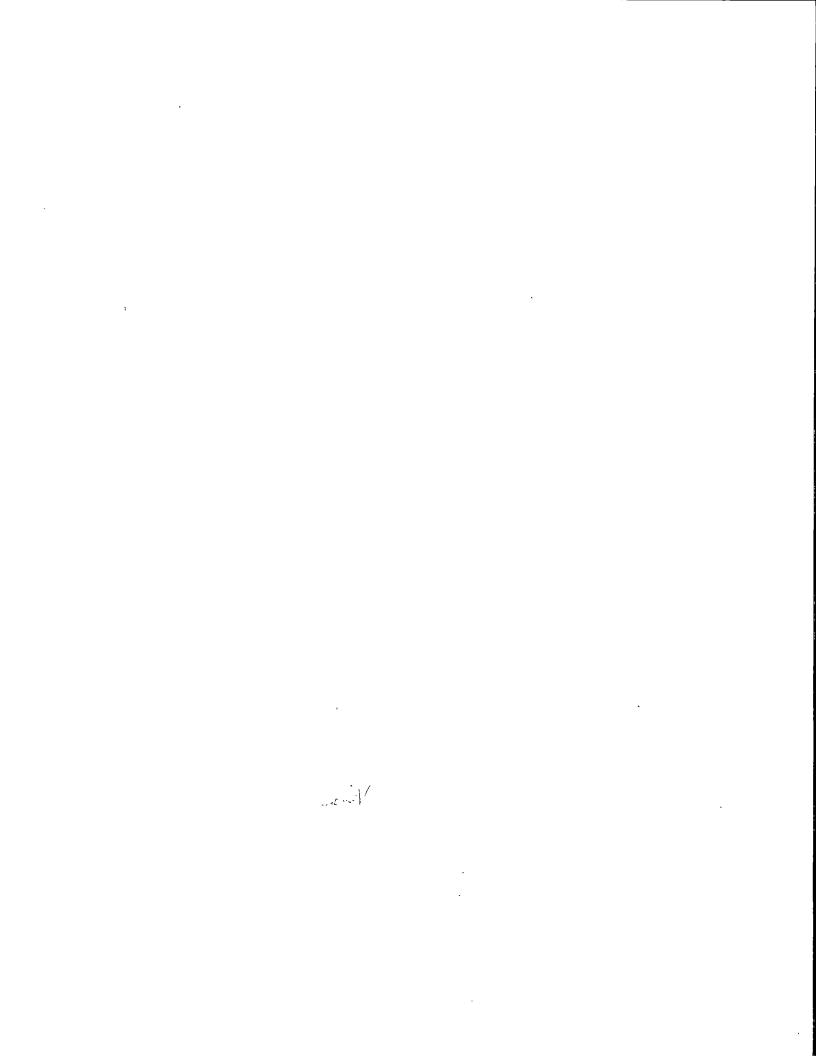
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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

Sincerely,

David P. Ross





WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable Paul A. Gosar, D.D.S. House of Representatives Washington, D.C. 20515

Dear Congressman Gosar:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Sincerely,

David P. Ross





WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable Greg Stanton House of Representatives Washington, D.C. 20515

Dear Congressman Stanton:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

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Sincerely,

David P. Ross





WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable Tom O'Halleran House of Representatives Washington, D.C. 20515

Dear Congressman O'Halleran:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

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Sincerely,

David P. Ross



WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable David Schweikert House of Representatives Washington, D.C. 20515

Dear Congressman Schweikert:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

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Sincerely,

David P. Ross

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WASHINGTON, D.C. 20460

APR 2 3 2019

OFFICE OF WATER

The Honorable Ann Kirpatrick House of Representatives Washington, D.C. 20515

Dear Congresswoman Kirpatrick:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20th designee.

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Sincerely,

David P. Ross

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WASHINGTON, D.C. 20460

March 27, 2023

OFFICE OF LAND AND EMERGENCY MANAGEMENT

The Honorable Kyrsten Sinema United States Senate Washington, D.C. 20510

Dear Senator Sinema:

The U.S. Environmental Protection Agency's (EPA) Superfund program is proposing to add the Lukachukai Mountains Mining District site, located in Cove, Navajo Nation, Arizona, to the National Priorities List (NPL) by rulemaking. The EPA received a letter from the Navajo Nation supporting the listing of this site on the NPL. Listing on the NPL provides eligibility for federal cleanup funding for the nation's highest priority contaminated sites.

Because this site is located within your state, I am providing information to help in answering questions you may receive from your constituents. The information includes a brief description of the site and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586. We expect the rule to be published in the Federal Register in the next several days.

Sincerely,

Barry N. Breen

Acting Assistant Administrator

Enclosures



NATIONAL PRIORITIES LIST (NPL)

Proposed NPL Site

March 2023

LUKACHUKAI MOUNTAINS | Cove, Navajo Nation, Arizona | MINING DISTRICT | Apache County

Site Location:

The Lukachukai Mountains Mining District (LMMD) site is located in the Cove, Lukachukai, and Round Rock Chapters of the Navajo Nation in Apache County in northeast Arizona. The Lukachukai Mountains comprise the northern portion of the Chuska Mountain Range.

▲ Site History:

The LMMD is comprised of contamination associated with post-World War II and Cold War uranium and vanadium mining in the Lukachukai Mountains conducted by a series of mining companies under numerous mine claims and leases between 1949 and 1968. Ore-bearing rock in the Morrison Formation was mined throughout the mining district for uranium and vanadium. Ore was mined using both surface and underground extraction processes, resulting in waste overburden, protore, and other contaminated material. More than 800,000 cubic yards of mine waste remains in mine piles scattered at and downgradient of mining impacted areas throughout the LMMD.

Site Contamination/Contaminants:

Waste piles and other areas of contamination are situated on finger-like mesas in the Lukachukai Mountains and in the Cove community which have impacted downgradient surface water bodies with elevated gamma radiation levels, uranium, radium, and other mining byproduct contaminants such as lead and arsenic.

Potential Impacts on Surrounding Community/Environment:

The Lukachukai Mountains are a uniquely situated ecological oasis on the Navajo Nation used by Navajo People from across the Navajo Nation for ceremonial and medicinal plant gathering, hunting, and livestock grazing. It also provides habitat for several sensitive species, including the federally threatened Mexican spotted owl and other Navajo designated endangered and threatened species. The Lukachukai Mountains contain many cultural resource areas sacred to the Navajo People. Intermittent streams draining the Lukachukai Mountains, particularly the Cove Wash watershed, are extensively contaminated by eroded waste from the mines. Wetlands support unique biological communities in isolated pockets within the Lukachukai Mountains and in waterways downstream. The Cove community has a year-round residential population of approximately 200 and over 40 children who attend the Cove Day School located adjacent to a former ore transfer station.

Response Activities (to date):

The EPA, in coordination with the Navajo Nation Environmental Protection Agency (NNEPA), has undertaken removal site assessments at many of the mine waste piles to evaluate the extent of contamination. Using EPA's removal authority under CERCLA, engineering evaluation and cost analysis (EE/CA) reports are under development to identify and compare cleanup alternatives for some of the mine waste piles.

■ Need for NPL Listing:

The complexity of the geology, hydrology, and terrain and comingled contamination in the Lukachukai Mountains presents uniquely challenging cleanup considerations to address the contamination. Other federal and state cleanup programs were evaluated but are not viable at this time. The EPA received a letter of support for listing the site on the NPL from the Navajo Nation.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination. See 56 FR 5600, February 11, 1991, or subsequent FR notices.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. <u>ATSDR ToxFAQs</u> can be found on the Internet at https://www.atsdr.cdc.gov/toxfaqs/index.asp or by telephone at 1-800-CDC-INFO or 1-800-232-4636.



NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. Scores at least 28.50:

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. State Pick:

Each state and territory may designate one top-priority site regardless of score.

3. ATSDR Health Advisory:

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed for addition to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit www.regulations.gov.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

RON JOHNSON, WISCONSIN, CHAIRMAN

ROB PORTMAN, OHIO RAND PAUL, KENTUCKY JAMES LANKFORD, OKLAHOMA MITT ROMNEY, UTAH RICK SCOTT, FLORIDA MICHAEL B. ENZI, WYOMING JOSH HAWLEY, MISSOURI

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GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS WASHINGTON, DC 20510–6250

October 20, 2020

Andrew Wheeler Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator:

As the Chairman and Ranking Member of the Senate Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management, we conduct oversight of the federal workforce and federal management issues. We are writing to request specific telework data as the Subcommittee continues to monitor how federal agencies have adjusted telework policies in response to the COVID-19 pandemic and what lessons can be learned moving forward.

For this purpose, please provide detailed written responses to the following questions no later than 5:00 PM EDT on November 13, 2020:

- 1. What percentage of your workforce was eligible to telework in FY19 and FY20, and what percentage actually teleworked? Please provide month-by-month data for both sets.
- 2. Does your agency have a process to collect data points that can be used to develop a cost benefit analysis of current telework practices? If so, what have those analyses shown over the FY2019-2020 reporting period?
- 3. Please list the type of hardware and other IT acquisitions that were required to accommodate the current maximum telework posture? This would include any employee personal equipment needed to support telework. Is there an additional need for further IT/equipment needs to support telework moving forward?
- 4. Can you provide the criteria used to determine employee telework eligibility prior to the pandemic? Has that criteria changed since the maximum telework policies were implemented? If so, what are the new criteria being used?
- 5. What, if any, additional training was implemented during the pandemic to help managers and employees be successful in a telework environment?

Thank you for your attention to this important matter. If you have any questions for us or our staffs, please contact James Mann with Senator Lankford's Subcommittee staff at 202-224-3823 or Jackie Maffucci with Senator Sinema's Subcommittee staff at 202-494-9690.

Sincerely,

James Lankford

Chairman

Subcommittee on Regulatory Affairs and

Federal Management

Kyrsten Sinema Ranking Member

Subcommittee on Regulatory Affairs and

Federal Management